



Lowndes County Public Schools

Daniel Boyd Ph.D.

Superintendent

Post Office Box 755 · Hayneville, Alabama 36040 · Telephone 334-548-2131 · Fax 334-548-5513

BOARD MEMBERS

Ben Davis
Steven T. Foster
Robert J. Grant
Denise Davis-Maye
Debbie Webb

December 4, 2014

Letter of Appeal
FCC
Office of the Secretary
445 12th Street SW
Washington, DC 20554

DOCKET FILE COPY ORIGINAL

Received & Inspected

DEC 10 2014

FCC Mail Room

To Whom It May Concern:

Request for Review of the decision of Universal Service Administrator on the funding decisions referenced below.

Billed Entity Name: Lowndes County School District

Billed Entity Number: 128068

FCC Form 471 Application Number: 976642

Funding Request Number: 2666136

Service Provider: SchoolinSites

Contact Information:

Name: Dr. Benitha D. Mathews

Address: 80 Commerce St. S.

P.O. Box 755

Hayneville, AL 36040

Phone: (334) 548-2131

FAX: (334) 548-5513

E-mail: bmathews@lowndesboe.org

INTRODUCTION

On September 11, 2014, we received a Funding Commitment Decision Letter for Funding Year 2014: 07/01/2014 – 06/30/2015 from USAC indicating: **Contract Violation**

“No contract was in place when the FCC Form 471 Certification was filed. FCC Rules require that a contract be signed and dated by the applicant prior to the filing of the FCC Form 471 Certification for the products and services requested.

APPEAL EXPLANATION

During PIA review, a draft copy of our web hosting contract was sent to the PIA reviewer in error. The draft contract was signed and dated by Daniel Boyd, PhD., Superintendent, on March 26, 2014. FCC Rules require that a contract be signed and dated by the applicant (Lowndes County Public Schools), prior to filing of Form 471, which was in place.

No. of Copies rec'd _____
List ABCDE _____

Please find attached a copy of the contract, which was in placed at the time of filing Form 471 on March 26, 2014. We apologize for sending the draft version as compared to the actual version signed by both applicant and vendor at the time of filing Form 471.

We had established a 3-yr contract with said Vendor that was dated 03/26/2014, which began July 1, 2014. Please find attached a copy of the contract.

USAC Decisions

On October 14, 2014, we received a decision from USAC denying our appeal.

LSCD Request

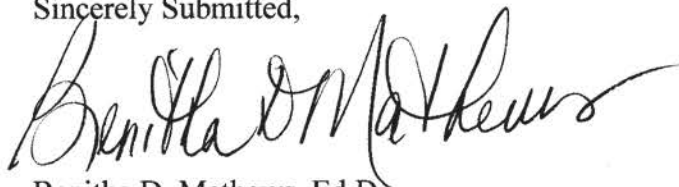
We are requesting that the FCC overrule this decision based on the fact the date of the contract was an oversight or what we might consider our "ministerial error." We, (applicant and vendor) can attest to the fact that a contract was in place prior to the filing of the 471, on 3/21/2014. However, the incorrect date of 3/26/2014 is depicted on the contract and we ask that the FCC would consider this an error on our part and overrule USAC's decision in our favor. It is our understanding that in 2015 webhosting will no longer be Erate eligible and that you would consider honoring our request for this final year.

SUMMARY

For the above listed reasons, LCPS would request that FCC will reverse the decision in order that the FRN #2666136 at issue is fully funded,

Thank you for your time and attention to this matter and the opportunity to address this issue. We look forward to receiving your decision soon.

Sincerely Submitted,

A handwritten signature in black ink, appearing to read "Benitha D. Mathews". The signature is fluid and cursive, with a long horizontal stroke at the end.

Benitha D. Mathews, Ed.D
District Technology Coordinator
Lowndes County Public Schools
Phone: 334-548-2131
FAX: 334-548-5513

Attachment:

USAC Administrator's Decision on Appeal- Funding Year 2014-2015 letter dated October 14, 2014

Dr. Benitha D. Mathews
Lowndes County School District
80 Commerce St. S.
P.O. Box 755
Hayneville, AL 36040

Billed Entity Number: 128068
Form 471 Application Number: 976642
Form 486 Application Number:

Received & Inspected

DEC 10 2014

FCC Mail Room

USAC

Universal Service Administrative Company

Schools & Libraries Division

Administrator's Decision on Appeal – Funding Year 2014-2015

October 14, 2014

Dr. Benitha D. Mathews
Lowndes County School District
80 Commerce St. S.
P.O. Box 755
Hayneville, AL 36040

*Respond by
Dec 14th*

Re: Applicant Name: LOWNDES COUNTY SCHOOL DISTRICT
Billed Entity Number: 128068
Form 471 Application Number: 976642
Funding Request Number(s): 2666136
Your Correspondence Dated: September 11, 2014

After thorough review and investigation of all relevant facts, the Schools and Libraries Division (SLD) of the Universal Service Administrative Company (USAC) has made its decision in regard to your appeal of USAC's Funding Year 2014 Funding Commitment Decision Letter for the Application Number indicated above. This letter explains the basis of USAC's decision. The date of this letter begins the 60 day time period for appealing this decision. If your Letter of Appeal included more than one Application Number, please note that you will receive a separate letter for each application.

Funding Request Number(s): 2666136
Decision on Appeal: **Denied**
Explanation:

- During the appeal review process, it was determined that the two-party contract submitted by the appellant to support the appeal is signed on March 26, 2014. The same date as the single party signed "draft" contract that was sent to PIA on August 21, 2014 during the initial review process. It is also noted that the very same two-party signed contract that was included with the appeal was also sent to PIA on September 2, 2014 in response to the PIA issued "notification of denial" that was sent to the applicant on August 27, 2014. The Form 471 was signed and certified on March 21, 2014. The two-party contract was signed on March 26, 2014. This is a violation of the rules of this support mechanism. Consequently, the appeal is denied.

- USAC has determined, that at the time you submitted your FCC Form 471 application, you did not have a contract with your service provider(s), which met your state and local or the FCC's definition of a contract. Except for services to be delivered under non-contracted tariff or month-to-month arrangements, FCC rules require that applicants submit a completed FCC Form 471 "upon signing a contract for eligible services." The services you requested are not non-contracted tariff or month-to-month services. *See* 47 C.F.R. sec. 54.504(a). In your appeal, you did not demonstrate that USAC's decision was incorrect. As USAC does not have authority to waive the FCC rules of the program, your appeal is denied.

Since your appeal was denied in full, dismissed or cancelled, you may file an appeal with the FCC. Your appeal must be postmarked within 60 days of the date on this letter. Failure to meet this requirement will result in automatic dismissal of your appeal. You should refer to CC Docket No. 02-6 on the first page of your appeal to the FCC. If you are submitting your appeal via United States Postal Service, send to: FCC, Office of the Secretary, 445 12th Street SW, Washington, DC 20554. Further information and options for filing an appeal directly with the FCC can be found under the Reference Area/"Appeals" of the SLD section of the USAC website or by contacting the Client Service Bureau. We strongly recommend that you use the electronic filing options.

We thank you for your continued support, patience and cooperation during the appeal process.

Schools and Libraries Division
Universal Service Administrative Company